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ATTORNEYS FOR PLAINTIFFS AND THE PROPOSED CLASS

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MAGGIE THOMSON and JUAN DUARTE,
as representatives of a class of similarly
situated persons, and on behalf of the Caesars
Entertainment Corporation Savings &
Retirement Plan,

Plaintiffs,

v.

RUSSELL INVESTMENTS TRUST
COMPANY, CAESARS HOLDINGS,
INC., THE PLAN INVESTMENT
COMMITTEE, and THE 401(K) PLAN
COMMITTEE.

Defendants.

Case No. 2:21-cv-00961-GMN-BNW

**JOINT MOTION FOR EXEMPTION
FROM EARLY NEUTRAL
EVALUATION**

Pursuant to LR 16-6(c) and this Court's Order Scheduling Early Neutral Evaluation for December 14, 2021 (ECF No. 55), Plaintiffs Maggie Thomson and Juan Duarte and Defendants Russell Investments Trust Company, Caesars Holdings, Inc., the Plan Investment Committee, and the 401(k) Plan Committee (collectively, the "Parties"), jointly move this Court for an order exempting the Parties from Early Neutral Evaluation.

LR 16-6(a) states "all employment-discrimination actions filed in this court must undergo early neutral evaluation as defined by this rule." As this action is not an employment-discrimination action and is brought pursuant to ERISA, 29 U.S.C. § 1001, *et seq.*, it falls outside the scope of the Local Rule governing Early Neutral Evaluation.

In addition, the parties met and conferred about the possibility of using alternative dispute resolution ("ADR") processes. Because Defendants intend to file Motions to Dismiss Plaintiffs' Second Amended Complaint, the Parties believe that holding Early Neutral Evaluation at that time would not be fruitful. The parties further believe that a private mediation would be the most effective form of ADR in this case. Defendants believe that engaging in ADR is premature at this time, but will revisit the issue as the case progresses.

For the foregoing reasons, the Parties respectfully request that the Court enter an order exempting the Parties from Early Neutral Evaluation.

Dated: October 7, 2021

NICHOLS KASTER, PLLP

/s/ Benjamin J. Bauer

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Dated: October 7, 2021

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401(k) Plan Committee*

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IT IS SO ORDERED.

IT IS FURTHER ORDERED that the Early Neutral Evaluation currently scheduled for December 14, 2021 is VACATED.

Elayna J. Zouchak
UNITED STATES MAGISTRATE JUDGE